

§ 613b. Disposition of lands; sales contracts; reclamation fund.

The Secretary is authorized, to the extent, in the manner, and on such terms as he deems appropriate for the protection, development, or improvement of the Gila project, to sell, exchange, or otherwise dispose of the public lands of the United States within said project, the lands acquired under sections 613-613e of this title, and any improvements on any such lands and to lease the same during the presettlement period only, provided such lands shall be disposed of to actual settlers and farmers as soon as practicable; to establish town sites on such lands; and to dedicate portions of such lands for public purposes. Contracts for the sale of such lands shall be on a basis that, in the Secretary's judgment, will provide the return in a reasonable period of years of not less than the appraised value of the land and the improvements thereon or thereto. Such lands may be disposed of in farm units of such sizes as the Secretary determines to be adequate, taking into consideration the character of soil, topography, location with respect to the irrigation system, and such other factors as the Secretary deems relevant: *Provided*, That the area disposed of to an individual shall, so far as practicable, not exceed one hundred and sixty acres. Sales to any individual shall be of not more than one farm unit. Any sums received by the United States from the disposition of said lands and improvements shall be covered into the reclamation fund, and credited to construction costs. (July 30, 1947, ch. 382, § 3, 61 Stat. 629.)

§ 613c. Regulations of Secretary; control under State law; assessment or taxation; priority of federal liens and obligations.

Beginning at such date or dates and subject to such provisions and limitations as may be fixed or provided by regulations which the Secretary is authorized to issue, any public lands within the Gila project and any lands acquired under sections 613-613e of this title shall be, after disposition thereof by the United States by contract of sale and during the time such contract shall remain in effect, (i) subject to the provisions of the laws of the State of Arizona relating to the organization, government, and regulation of irrigation, electrical, power, and other similar districts, and (ii) subject to legal assessment or taxation by any such district and by said State or political subdivisions thereof, and to liens for such assessments and taxes and to all proceedings for the enforcement thereof, in the same manner and to the same extent as privately owned lands: *Provided, however*, That the United States does not assume any obligation for amounts so assessed or taxed: *And provided further*, That any proceedings to enforce said assessments or taxes shall be subject to any title then remaining in the United States, to any prior lien reserved to the United States for unpaid installments under land-sale contracts made under said sections, and to any obligation for any other charges, accrued or unaccrued, for special improvements, construction, or operation and maintenance costs of said project. (July 30, 1947, ch. 382, § 4, 61 Stat. 629.)

§ 613d. Repayment of costs in installments; apportionment of repayment obligations; variable payments.

Notwithstanding any other provision of law, the general repayment obligation of any organization which may hereafter enter into a contract with the United States covering the repayment of any portion of the costs of construction of the Gila project may be spread in annual installments over such reasonable period, not exceeding sixty years, as the Secretary may determine. For the purpose of predicated the repayment obligations of the various lands within said project on their respective ability, as determined by the Secretary, to share the burdens thereof, he may provide for the equitable apportionment of said general repayment obligation to the lands benefited on a unit basis in accordance with the extent of the benefit derived from the project, the character of soil, topography, and such other factors as he deems relevant, and he may provide for a system of variable payments under which larger annual payments will be required during periods of above-normal production or income and lesser annual payments will be required during periods of subnormal production or income. (July 30, 1947, ch. 382, § 5, 61 Stat. 629.)

§ 613e. Powers of Secretary and authorized representatives.

The Secretary is authorized to perform such acts, to make such rules and regulations, and to include in contracts made under the authority of sections 613-613e of this title such provisions as he deems proper for carrying out the provisions of said sections; and in connection with sales or exchanges under said sections, he is authorized to effect conveyances without regard to the laws governing the patenting of public lands. Wherever in said sections functions, powers, or duties are conferred upon the Secretary, said functions, powers, or duties may be performed, exercised, or discharged by his duly authorized representatives. (July 30, 1947, ch. 382, § 7, 61 Stat. 630.)

Chapter 12A.—BOULDER CANYON PROJECT

**SUBCHAPTER II.—BOULDER CANYON PROJECT
ADJUSTMENT ACT**

Sec.

618a—1. Availability of Colorado River Development Fund for investigation and construction purposes. [New].

618p. Reports to Congressional Appropriations Committees on Colorado River dam fund investments and expenditures; diminution of repayment obligations [New].

**SUBCHAPTER I.—BOULDER CANYON
PROJECT ACT**

§ 617. Colorado River Basin; protection and development; dam, reservoir and incidental works; water, water power and electrical energy; eminent domain.

CHANGE OF NAME

Act Apr. 30, 1947, ch. 46, 61 Stat. 56 restored the name of Hoover Dam to the dam on the Colorado River in Black Canyon known previously as Boulder Dam, and provided that any law, regulation, document, or record in which such dam is designated or referred to as Boulder Dam shall be held to refer to such dam under and by the name of Hoover Dam.

CROSS REFERENCES

Gila project, Arizona, as not amending this subchapter, see note under section 613 of this title.

SUBCHAPTER II.—BOULDER CANYON PROJECT
ADJUSTMENT ACT

§ 618. Promulgation of charges for electrical energy.

The Secretary of the Interior is authorized and directed to, and he shall, promulgate charges, or the basis of computation thereof, for electrical energy generated at Hoover Dam during the period beginning June 1, 1937, and ending May 31, 1987, computed to be sufficient, together with other net revenues from the project, to accomplish the following purposes:

(a) To meet the cost of operation and maintenance, and to provide for replacements, of the project during the period beginning June 1, 1937, and ending May 31, 1987;

(b) To repay to the Treasury, with interest, the advances to the Colorado River Dam Fund for the project made prior to June 1, 1937, within fifty years from that date (excluding advances allocated to flood control by section 617a (b) of subchapter I of this chapter, which shall be repayable as provided in section 618f), and such portion of such advances made on and after June 1, 1937, as (on the basis of repayment thereof within such fifty-year period or periods as the Secretary may determine) will be repayable prior to June 1, 1987;

(c) To provide \$600,000 for each of the years and for the purposes specified in section 618a (c) hereof; and

(d) To provide \$500,000 for each of the years and for the purposes specified in section 618a (d) hereof.

Such charges may be made subject to revisions and adjustments at such times, to such extent, and in such manner, as by the terms of their promulgation the Secretary shall prescribe. (As amended Apr. 30, 1947, ch. 46, 61 Stat. 56.)

CHANGE OF NAME

Act Apr. 30, 1947, cited to text, changed name of Boulder Dam back to Hoover Dam.

CROSS REFERENCES

Gila project, Arizona, as not amending this subchapter, see note under section 613 of this title.

§ 618a. Receipts from project; disposition.

(c) Commutation payments to Arizona and Nevada.

Payment subject to the provisions of section 618b of this title, in commutation of the payments now provided for the States of Arizona and Nevada in section 617c (b) of this title, to each of said States of the sum of \$300,000 for each year of operation, beginning with the year of operation ending May 31, 1938, and continuing annually thereafter until and including the year of operation ending May 31, 1987, and such payments for any year of operation which shall have expired at the time when this subdivision (c) shall become effective shall be due immediately, and be paid, without interest, as expeditiously as administration of this subchapter will permit, and each such payment for subsequent years of operation

shall be made on or before July 31, following the close of the year of operation for which it is made. All such payments shall be made from revenues hereafter received in the Colorado River Dam Fund.

Notwithstanding the foregoing provisions of this subsection, in the event that there are levied and collected by or under authority of Arizona or Nevada or by any lawful taxing political subdivision thereof, taxes upon—

(i) the project as herein defined;

(ii) the electrical energy generated at Hoover Dam by means of facilities, machinery, or equipment both owned and operated by the United States, or owned by the United States and operated under contract with the United States;

(iii) the privilege of generating or transforming such electrical energy or of use of such facilities, machinery, or equipment or of falling water for such generation or transforming; or

(iv) the transmission or control of such electrical energy so generated or transformed (as distinguished from the transmission lines and other physical properties used for such transmission or control) or the use of such transmission lines or other physical properties for such transmission or control,

payments made hereunder to the State by or under the authority of which such taxes are collected shall be reduced by an amount equivalent to such taxes. Nothing herein shall in anywise impair the right of either the State of Arizona or the State of Nevada, or any lawful taxing political subdivision of either of them, to collect nondiscriminatory taxes upon that portion of the transmission lines and all other physical properties, situated within such State and such political subdivision, respectively, and belonging to any of the lessees and/or allottees under subchapter I of this chapter and/or under this subchapter, and nothing herein shall exempt or be construed so as to exempt any such property from nondiscriminatory taxation, all in the manner provided by the constitution and laws of such State. Sums, if any, received by each State under the provisions of subchapter I of this chapter shall be deducted from the first payment or payments to said State authorized by this subchapter. Payments under this subsection shall be deemed contractual obligations of the United States, subject to the provisions of section 618b of this title.

(d) Transfer of sums to Colorado River Development Fund; expenditure of fund.

Transfer, subject to the provisions of section 618b of this title, from the Colorado River Dam Fund to a special fund in the Treasury, established and designated the "Colorado River Development Fund", of the sum of \$500,000 for the year of operation ending May 31, 1938, and the like sum of \$500,000 for each year of operation thereafter, until and including the year of operation ending May 31, 1987. The transfer of the said sum of \$500,000 for each year of operation shall be made on or before July 31 next following the close of the year of operation for which it is made: *Provided*, That any such transfer for any

year of operation which shall have ended at the time this subsection shall become effective shall be made, without interest, from revenues received in the Colorado River Dam Fund, as expeditiously as administration of this subchapter will permit, and without readvances from the general funds of the Treasury. Receipts of the Colorado River Development Fund for the years of operation ending in 1938, 1939, and 1940 (or in the event of reduced receipts during any of said years, due to adjustments under section 618b of this title, then the first receipts of said fund up to \$1,500,000), are authorized to be appropriated only for the continuation and extension, under the direction of the Secretary, of studies and investigations by the Bureau of Reclamation for the formulation of a comprehensive plan for the utilization of waters of the Colorado River system for irrigation, electrical power, and other purposes, in the States of the upper division and the States of the lower division, including studies of quantity and quality of water and all other relevant factors. The next such receipts up to and including the receipts for the year of operation ending in 1955 are authorized to be appropriated only for the investigation and construction of projects for such utilization in and equitably distributed among the four States of the upper division: *Provided, however,* That in view of distributions heretofore made, and in order to expedite the development and utilization of water projects within all of the States of the upper division, the distribution of such funds for use in the fiscal years 1949 to 1955, inclusive, shall be on a basis which is as nearly equal as practicable. Such receipts for the years of operation ending in 1956 to 1987, inclusive, are authorized to be appropriated for the investigation and construction of projects for such utilization in and equitably distributed among the States of the upper division and the States of the lower division. The terms "Colorado River system", "States of the upper division", and "States of the lower division" as so used shall have the respective meanings defined in the Colorado River compact mentioned in subchapter 1 of this chapter. Such projects shall be only such as are found by the Secretary to be physically feasible, economically justified, and consistent with such formulation of a comprehensive plan. Nothing in subchapter 1 of this chapter shall be construed so as to prevent the authorization and construction of any such projects prior to the completion of said plan of comprehensive development; nor shall subchapter 1 of this chapter be construed as affecting the right of any State to proceed independently of subchapter 1 of this chapter or its provisions with the investigation or construction of any project or projects. Transfers under this subsection shall be deemed contractual obligations of the United States, subject to the provisions of section 618b of this title.

(e) Reimbursement to School District for pupil instruction costs; limitations.

Annual appropriation for the fiscal years 1948, 1949, 1950, and 1951 for payment to the Boulder City School District, as reimbursement for the actual cost of instruction, during each school year, in the schools

operated by said district, of pupils who are dependents of any employee or employees of the United States living in or in the immediate vicinity of Boulder City, such reimbursement not to exceed the sum of \$65 per semester per pupil and to be payable semi-annually, after the term of instruction in each semester has been completed, under regulation to be prescribed by the Secretary. (As amended Apr. 30, 1947, ch. 46, 61 Stat. 56; May 14, 1948, ch. 292, 62 Stat. 235; June 1, 1948, ch. 364, § 1, 62 Stat. 284.)

AMENDMENTS

1948—Subsec. (d) amended by act June 1, 1948, cited to text, which added proviso to the fourth sentence to provide for the distribution of receipts for the fiscal years 1949 to 1955, inclusive.

Subsec. (e) added by act May 14, 1948, cited to text.

CHANGE OF NAME

Act Apr. 30, 1947, cited to text, changed name of Boulder Dam back to Hoover Dam.

§ 618a—1. Availability of Colorado River Development Fund for investigation and construction purposes.

The availability of appropriations from the Colorado River Development Fund for the investigation and construction of projects in any of the States of the Colorado River Basin shall not be held to forbid the expenditure of other funds for those purposes in any of those States where such funds are otherwise available therefor. (June 1, 1948, ch. 364, § 2, 62 Stat. 285.)

CODIFICATION

Section was not enacted as a part of the Boulder Canyon Project Adjustment Act which comprises this subchapter.

§ 618n. Wages of employees.

All laborers and mechanics employed in the construction of any part of the project, or in the operation, maintenance, or replacement of any part of the Hoover Dam, shall be paid not less than the prevailing rate of wages or compensation for work of a similar nature prevailing in the locality of the project. In the event any dispute arises as to what are the prevailing rates, the determination thereof shall be made by the Secretary of the Interior, and his decision, subject to the concurrence of the Secretary of Labor, shall be final. (As amended Apr. 30, 1947, ch. 46, 61 Stat. 56.)

CHANGE OF NAME

Act Apr. 30, 1947, cited to text, changed name of Boulder Dam back to Hoover Dam.

§ 618p. Reports to Congressional Appropriations Committees on Colorado River dam fund investments and expenditures; diminution of repayment obligations.

The Secretary shall submit to the Appropriations Committees annually a justification showing all investments and expenditures made or proposed out of the Colorado River dam fund, for the joint use of the project and of other Federal activities at or near Boulder City. In the proportion that such investments and expenditures were or shall be for the use of such other Federal activities and not related to the construction, operation, or maintenance of the project they shall be deemed nonproject investments and expenditures. The obligation under the provision of section 618a of this title to repay to the

United States Treasury advances and readvances to the Colorado River dam fund which obligation is made the basis for computation of rates under the provisions of section 618 of this title, shall be diminished in the amount that nonproject investments or expenditures are or have been made from said fund and the rates computed pursuant to section 618 of this title shall reflect such diminution. (June 29, 1948, 4:58 p. m., E. D. T., ch. 754, § 1, 62 Stat. 1130.)

CODIFICATION

This section is a part of section 1 of the Interior Department Appropriation Act, 1949, and is not a part of the Boulder Canyon Project Adjustment Act which comprises this subchapter.

Chapter 19.—BOUNTY LANDS

GENERAL PROVISIONS

§ 787. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948.

Section, relating to false certification of documents, is now covered by section 289 of Title 18, Crimes and Criminal Procedure.

CLAIM AGENTS OF ATTORNEYS

§ 841. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948.

Section, relating to claim agents withholding discharge papers, is now covered by section 290 of Title 18, Crimes and Criminal Procedure.

Chapter 22.—RIGHTS-OF-WAY AND OTHER EASEMENTS IN PUBLIC LANDS

§§ 931b, 943.

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.

Chapter 26.—ABANDONED MILITARY RESERVATIONS

§ 1071. Designation for disposition.

CROSS REFERENCES

Conveyance of cemetery on abandoned military post or reservation, see section 296 of Title 24, Hospitals, Asylums, and Cemeteries.

Chapter 28.—MISCELLANEOUS PROVISIONS RELATING TO THE PUBLIC LANDS

DISPOSAL OF MATERIALS ON PUBLIC LANDS [New] Sec.

- 1185. Rules and regulations governing disposal of materials; payment; removals without charge; lands excluded.
- 1186. Competitive bidding; publication of notice of disposal; materials valued at \$1,000 or less.
- 1187. Disposition of moneys from disposal of materials.

OATHS IN CERTAIN LAND MATTERS [New]

- 1211. Elimination of oaths for written statements; discretion of Secretary of Interior.
- 1212. Unsworn written statements subject to penalties of presenting false claims.

SALES OF ISOLATED TRACTS

§ 1171. Sale of isolated or disconnected tracts.

Notwithstanding the provisions of section 678 of this title and of sections 212, 321, 662, and 945 of

this title, it shall be lawful for the Secretary of the Interior to order into market and sell at public auction, at the land office of the district in which the land is situated, for not less than the appraised value, any isolated or disconnected tract or parcel of the public domain not exceeding one thousand five hundred and twenty acres which, in his judgment, it would be proper to expose for sale after at least thirty days' notice by the land office of the district in which such land may be situated: *Provided*, That for a period of not less than thirty days after the highest bid has been received, any owner or owners of contiguous land shall have a preference right to buy the offered lands at such highest bid price, and where two or more persons apply to exercise such preference right the Secretary of the Interior is authorized to make an equitable division of the land among such applicants, but in no case shall the adjacent land owner or owners be required to pay more than three times the appraised price: *Provided further*, That any legal subdivisions of the public land, not exceeding seven hundred and sixty acres, the greater part of which is mountainous or too rough for cultivation, may, in the discretion of the said Secretary, be ordered into the market and sold pursuant to this section upon the application of any person who owns land or holds a valid entry of lands adjoining such tract, regardless of the fact that such tract may not be isolated or disconnected within the meaning of this section: *Provided further*, That this section shall not defeat any valid right which has already attached under any pending entry or location. The word "person" in this section shall be deemed to include corporations, partnerships, and associations. (As amended July 30, 1947, ch. 383, 61 Stat. 630.)

AMENDMENTS

1947—Act July 30, 1947, cited to text, amended section by increasing the size of the isolated tractor parcel allowed sold at public auction from seven hundred and fifty acres to one thousand five hundred and twenty, and by substituting seven hundred and fifty acres for one hundred and sixty in second proviso.

DISPOSAL OF MATERIALS ON PUBLIC LANDS [New]

§ 1185. Rules and regulations governing disposal of materials; payment; removals without charge; lands excluded.

The Secretary of the Interior, under such rules and regulations as he may prescribe, may dispose of materials including but not limited to sand, stone, gravel, yucca, manzanita, mesquite, cactus, common clay, and timber or other forest products, on public lands of the United States if the disposal of such materials (1) is not otherwise expressly authorized by law, including the United States mining laws, (2) is not expressly prohibited by laws of the United States, and (3) would not be detrimental to the public interest. Such materials may be disposed of only in accordance with the provisions of sections 1185–1187 of this title and upon the payment of adequate compensation therefor, to be determined by the Secretary: *Provided, however*, That, to the extent not otherwise authorized by law, the Secretary is authorized in his discretion to permit any Federal, State, or Territorial agency, unit or subdivision, in-